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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,008	06/02/2005	Antti Sorvari	915-001.040	1243

4955 7590 06/01/2007

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EXAMINER	
BROOKS, SHANNON	
ART UNIT	**PAPER NUMBER**
2617	

MAIL DATE	DELIVERY MODE
06/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/509,008	SORVARI ET AL.	
	Examiner	Art Unit	
	Shannon R. Brooks	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed March 16, 2007 have been fully considered but they are not persuasive.

The argued features, i.e., receiving in a mobile wireless communication terminal one or more instructions to perform one or more tasks with a delay, storing said instructions in a queue in terminal, checking in terminal whether terminal is coupled to charging device, executing in terminal tasks upon recognizing an electrical connection between terminal and said charging device, wherein tasks are postponed to a later point in time, studying in a mobile terminal, under a period of time, the battery charging routines of the user of the terminal, calculating in the terminal time intervals with a high likelihood that terminal is connected to the charger, receiving in the mobile terminal instructions to perform one or more tasks with a delay, storing the instructions in a queue in terminal, executing in terminal tasks upon entering a calculated time period.

Averbuch is discussing a portable wireless communications unit that is coupled to a battery charger/software downloader. When a flag is detected in the wireless unit, the software downloader, which contains a processor, receives updated software which is transferred to the wireless unit. Using a priority indicator, a connection usage profile, and an activity detector, high and low usage activity periods can be calculated so that best times to initiate downloads can be utilized by the downloader. Averbuch discussed data being received by the mobile terminal through the charger and being preempted by other activities only to be resumed later. Therefore, Averbuch meets the claim limitation of "receiving in a mobile wireless communication terminal

one or more instructions to perform one or more tasks with a delay". Averbuch discusses a battery charger/software downloader that receives a priority indicator form a portable wireless unit in order to initiate best times for software downloads. Therefore, Averbuch meets the claim limitation of "storing said instructions in a queue in terminal". Averbuch discusses a software download procedure that must begin with the user placing a terminal in the charger/downloader (cradle) to start a download process controlled by a computer algorithm. Additionally, a flag in the terminal must be set and detected. Without these steps no downloads are possible. Therefore, Averbuch meets the claim limitation of, "checking in terminal whether terminal is coupled to charging device". Averbuch discusses transferring data from the charger/downloader to the terminal after the user places the terminal in the charger, the flag is detected and the priority indicator is sent from the terminal to the charger. Therefore, Averbuch meets the claim limitation of "executing in terminal tasks upon recognizing an electrical connection between terminal and said charging device". Averbuch discusses utilizing an activity detector, a usage profile and a priority indicator to determine the best times for downloads. Therefore, the claim limitation of "wherein tasks are postponed to a later point in time, studying in a mobile terminal, under a period of time, the battery charging routines of the user of the terminal, calculating in the terminal time intervals with a high likelihood that terminal is connected to the charger". Averbuch discusses battery charger/downloader transfers to the terminal that are preempted by other activities until such time that the download can begin again. This requires keeping track of the stored number of blocks that have been transferred so that a transfer can resume where it left off. Therefore, Averbuch meets the claim limitation of "receiving in the mobile terminal instructions to perform one or more tasks with a delay". Averbuch discusses setting a flag in the

terminal and sending a priority indicator from the terminal to the charger. Therefore, it meets the claim limitation of "storing the instructions in a queue in terminal". Averbuch discusses using activity detectors, usage profiles, priority indicators, and setting flags to determine best time for downloads. Therefore, Averbuch meets the claim limitation of "exceuting in terminal tasks upon entering a calculated time period.

Concerning dependent claims, Averbuch, Herrod, Khan, and Nishiyama separately, or in combination disclose the limitations of the dependent claims, as discussed in the following office action.

Concerning any arguments on motivation and combination, the cited references are analogous and the motivations are clearly shown in the background of the references. Therefore, the references are combinable.

As a result, the argued limitations read upon the cited references as follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1-4, 6-14, 21-22, and 26-32** are rejected under U.S.C. 102(b) as being unpatentable over Averbuch et al. (US 5689825) in view of Kahn (US 6505055 B1).

Consider **Claim 1**, Averbuch et al. teach a method comprising receiving in a mobile wireless communication terminal one or more instructions to respectively perform one or more tasks that can be carried out in said terminal with a delay **(read as delayed until scheduled carrying out time, Col. 5, lines 1-67 and Col. 6, lines 1-62)**, storing said instructions in a queue in said terminal **(read as an ordered blocks)(Col. 5, lines 39-67 and terminal has flag that instructs charger to download, Col. 4, lines 54-67 and Col. 5, lines 1-12)**, checking in said terminal whether said terminal is coupled to a charging device **(Fig. 4, Block 400 and Col. 4,**

lines 49-53), and executing in said terminal said tasks upon recognizing an electrical connection between said terminal and said charging device **(Fig. 4, Block 400 and Col. 4, lines 49-53)** wherein said carrying out of said tasks in said terminal is postponed to a later point in time **(read as time of carrying out is scheduled based on priority indication, link activity, usage profile, and software size or preemption, Col. 5, lines 1-55 and Col. 6, lines 1-61) and (read as carrying out can be routinely delayed by user by delaying placing portable in charger, Col. 4, lines 49-53)**.

Averbuch does not specifically teach a queue. However, Kahn teaches a queue.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Kahn into Averbuch in order to aid in the scheduling of tasks **(Col. 12, lines 50-64).**

Consider **Claim 6**, Averbuch et al. teach a method comprising: studying in a mobile wireless communications terminal under a period of time terminal battery charging routines of a user of said terminal **(read as activity detector used to create usage profile)(Col. 4, lines 36-39)**, calculating in said terminal time intervals with a high likelihood that said mobile terminal is connected to the charger **(read as connection detection and flag activation show connection and usage profile shows high and low activity)(Fig. 4, Blocks 400 and 402 and Col. 5, lines 12-27)**, receiving in the mobile terminal instructions to perform one or more tasks that can be carried out with a delay **(read as delayed transfer of all software update blocks , Col. 4, lines 44-67, Col. 5, lines 1-67, and Col. 6, lines 1-61)** storing the instructions in a queue in said terminal **(read as an ordered blocks of update software , Col. 6, lines 29-67 and terminal has flag that instructs charger to download, Col. 4, lines 54-67 and Col. 5, lines 1-12)**, executing

in said terminal said tasks upon entering one of said calculated time intervals wherein said carrying out is postponed to a later point in time **(read as storing blocks that have been delayed in portable due to preemption, user delay in placing portable in cradle, or usage profile, Fig. 4, Block 420, Col. 4, lines 49-53, and Col. 5, line 13-28)**.

Averbuch does not specifically teach a queue. However, Kahn teaches a queue.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Kahn into Averbuch in order to aid in the scheduling of tasks **(Col. 12, lines 50-64).**

Consider **Claim 11**, Averbuch et al. teach a method comprising: studying in a mobile wireless communications terminal under a period of time terminal battery charging routines of a user of said terminal **(read as activity detector used to create usage profile, Col. 4, lines 36-39**, calculating, in said terminal, a time interval with a high likelihood said terminal being connected to a charger **(read as calculating best times to transfer data based on usage patterns, Col. 5, lines 12-27)**, receiving in the terminal instructions to perform one or more tasks that can be carried out in the terminal with a delay **(read as delayed transfer of software update blocks or low activity scheduling, Col. 6, lines 4-61 and Col. 5, lines 13-28)**, storing the instructions in a queue in the terminal **(read as an ordered blocks, Col. 5, lines 39-67 and Col. 6, lines 1-61 and flag instructs charger to start download process, Col. 4, lines 54-67 and Col. 5, lines 1-12)** to be carried out during said time interval **(read as delayed preemption transfer of software update blocks, Col. 5, lines 1-67, and Col. 6, lines 1-61)**, checking in the terminal whether said mobile terminal is coupled to said charger upon entering said time interval **(Fig. 4, Block 400)**, and executing said tasks if that is the case **(Fig. 4, Blocks 402-420)**;

deferring carrying out of said tasks in said time interval, if the terminal is not coupled to said charger **(read as flag is not detected)(Fig. 4, Block 402)**, until one of the following conditions applies, whichever occurs first: the terminal is connected to said charger **(Fig. 4, Block 400)**; a maximum time limit for postponing the carrying out of said tasks is approaching; a level of battery power available is approaching a limit putting carrying out of at least part of said postponed tasks at risk wherein said carrying out is postponed to a later point in time.

Averbuch does not specifically teach a queue. However, Kahn teaches a queue.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Kahn into Averbuch in order to aid in the scheduling of tasks **(Col. 12, lines 50-64).**

Consider **Claim 12**, Averbuch et al. teach a mobile wireless communications terminal capable of wireless speech and data communication over an air interface **(Col. 2, lines 37-55)**, said terminal comprising: a processing unit for processing tasks **(Fig. 2, Block 204)** and timing means for performing timed carrying out of said tasks in said terminal **(read as processing unit with microprocessor, Col. 3, lines 12-32**), a memory for storing instructions and data associated with each such task in said terminal, wherein **(Fig. 2, Blocks 206, and 208 and flag is also stored, Col. 4, lines 54-67 and Col. 5, lines 1-12)** said terminal is configured to store received instructions for delayable **(read as can be carried out at a time later than the present)** tasks in a queue located in the memory **(read as delayed ordered blocks, Col. 5, lines 39-67 and Col. 6, lines 1-61 and also flag detection can be delayed by user until user places terminal in cradle, Col. 4, lines 44-67, and Col. 5, lines 1-12)** , wait until coupled to a charging device and then carry out said tasks in said terminal **(Fig. 4, Block 400)**.

Averbuch does not specifically teach a queue. However, Kahn teaches a queue.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Kahn into Averbuch in order to aid in the scheduling of tasks **(Col. 12, lines 50-64).**

Consider **Claim 21**, Averbuch et al. teach a mobile wireless communications terminal capable of wireless speech and data communication over an air interface **(Col. 2, lines 37-55)**, said terminal comprising: a processing unit for processing tasks **(Fig. 2, Block 204)** with timed carrying out **(read as microprocessor)(lines 21-32); a** memory for storing instructions and data associated with each such task **(Fig. 2, Blocks 206, and 208, also read as priority indicator and flag, Col. 5, lines 1-12)**, wherein said terminal is configured to study under a period of time terminal battery charging routines of a user **(read as receives input through charger/downloader interface, Fig. 2, Blocks 204 and 210, and Col. 3, lines 46-67)**, to calculate time intervals with a high likelihood the mobile terminal is connected to a charger **(read as connection detection guaranteed by user initiated connecting, Fig. 4, Block 400)**, to receive in the terminal instructions to perform one or more of said tasks that can be carried out with a delay **(read as delayable reception of software update blocks based on preemption or user delay in placing terminal in cradle, Col. 4, lines 44-67, Col. 5, lines 1-67, and Col. 6, lines 1-61)**, to store the instructions in a queue **(read as an ordered blocks transferred to portable, Col. 5, lines 39-67 and Col. 6, lines 1-61)** located in the memory , to check in said terminal whether it is coupled to said charger **(Fig. 4, Block 400)** , to carry out said tasks if that is the case **(read as connection detection and flag detection, Fig. 4, Blocks 400 and 402)** or to defer carrying out of said tasks, if the terminal is not coupled to said charger **(read as**

connection denied by flag, Fig. 4, Blocks 402), until one of the following conditions applies, whichever occurs first: the terminal is connected to said charger; a maximum time limit for postponing carrying out of said tasks is approaching; a level of battery power available is approaching a limit putting carrying out of postponed tasks at risk **(read as mobile is connected and flag is set)(Fig. 4, Blocks 400 and 402)**.

Averbuch does not specifically teach a queue. However, Kahn teaches a queue.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Kahn into Averbuch in order to aid in the scheduling of tasks **(Col. 12, lines 50-64).**

Consider **Claim 26**, Averbuch et al. teach a method comprising: receiving in a mobile wireless communications terminal at least one instruction to perform a task **(read as store updated software, Col. 6, lines 28-41).**

, identifying in said terminal whether the task is a delayable task **(read as determine if delayable reception of software update blocks has been preempted, Col. 6, lines 10-41)** and, if so, storing data related to carrying out of said delayable task in a queue located in a memory of said terminal **(read as preempted ordered blocks stored in memory of portable before task can be resumed, Col. 6, lines 10-41)** , said terminal executing said task using a processing unit of said terminal upon recognizing a connection between said terminal and a power source for charging a battery of said terminal **(Fig. 4, Block 400)** wherein carrying out of said task is delayed **(read as preempted until later time, Col. 6, lines 10-41)**.

Averbuch does not specifically teach a queue. However, Kahn teaches a queue.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Kahn into Averbuch in order to aid in the scheduling of tasks **(Col. 12, lines 50-64).**

Consider **Claim 31**, Averbuch et al teach a method comprising: receiving in a mobile terminal at least one instruction to perform a task **(read as flag and priority indicator are set and sent to portable to allow software upgrade)(Col. 4, lines 54-67 and Col. 5, lines 1-12)**, identifying in said terminal if the task is a delayable background task **(read as preempted reception of software update blocks that can be resumed later, Col. 4, lines 44-67 and Col. 5, lines 1-67)** , and if so, storing in said terminal data related to carrying out of said delayable task in a queue located in the memory **(preempted received blocks)**, executing said delayable task in said terminal using a processing unit in said terminal upon entering a precalculated time interval based on studying terminal battery charging routines of a user of the terminal during which said terminal is connected to a charging device wherein carrying out of said task is delayed **(read as retrieving data from server for ultimate transfer to terminal using profile data, flag, and priority indicator, Col. 4, lines 30-67, Col. 5, lines 1-67 and Col. 6. lines 1-61)**

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Averbuch does not specifically teach a queue. However, Kahn teaches a queue.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Kahn into Averbuch in order to aid in the scheduling of tasks **(Col. 12, lines 50-64).**

Consider **Claim 2**, Averbuch et al. teach a method , wherein said receiving instructions includes receiving instructions from the user via the user interface **(read as a common**

boundary or interconnection) of said terminal **(read as start process initiated or delayed by user by controlling when portable is coupled to charger, Fig. 4, START Block and Block 400).**

Consider **Claim 3**, Averbuch et al. teach a method, wherein said receiving instructions includes receiving instructions generated internally in said mobile terminal triggered by a maintenance or update process **(read as priority indication/flag is set, Col. 5, lines 1-12)**.

Consider **Claim 4**, Averbuch et al. teach a method , wherein the method further includes transferring at least part of data to be processed in said instructions from said terminal to said charging device for storage **(read as terminal receives part of preempted data from charger, Col. 5, lines 40-67 and Col. 6, lines 1-61)**, and retrieving said data during said executing said tasks **(read as receives remaining data when data transfer continues after preeemption, Col. 6, lines 1-61).**

Consider **Claim 7**, Averbuch et al. teach a method, wherein the receiving instructions includes receiving instructions from the user via a user interface of said terminal **(read as start process by coupling portable to charger) (Fig. 4, START Block and Block 400)**.

Consider **Claim 8**, Averbuch et al. teach a method, wherein the receiving instructions includes receiving instructions generated internally in said terminal triggered by a maintenance or update process **(read as mobile has flag set to allow software upgrade)(Col. 4, lines 54-67 and Col. 5, lines 1-12).**

Consider **Claim 9**, Averbuch et al. teach a method, wherein said executing said tasks in said time interval is made using a connection speed, or a communications channel, or both, providing at least a minimum accepted Quality of Service (QoS) at the lowest possible cost

(Col. 5, lines 12-25).

Consider **Claim 10**, Averbuch et al. teach a method, wherein said executing said tasks in said time intervals additionally involves checking if the terminal is coupled to a battery charging device **(Fig. 4, Block 400)**, and concluding according to a predetermined set of rules whether to start executing any queued tasks or not **(read as detect flag, Fig. 4, Block 402)**.

Consider **Claim 13**, Averbuch et al. teach a mobile wireless communications terminal according to claim 12, wherein at least part of the stored instructions for delayable tasks **(read as user initiated delay by delaying placing portable in cradle, Col. 4, lines 49-53)** are originally received from the user via a user interface of said terminal **(read as user initiates START process by interfacing terminal and cradle, Col. 4, lines 44-67 and Fig. 4).**

`Consider **Claim 14**, Averbuch et al. teach a mobile wireless communications terminal according to claim 12, wherein at least part of the stored instructions for delayable tasks **(read as charger detects flag and priority indicator set for delayable software upgrade tasks, Col. 4, lines 44-67 and Col. 5, lines 1-67 and Col. 6, lines 1-61)** are generated by an internal maintenance or update process of said terminal **(read as delayable software update of mobile initiated by flag being set, Col. 5, lines 1-67, and Col. 6, lines 1-61).**

Consider **Claim 22**, Averbuch et al. teach a mobile wireless communications terminal according to claim 12, wherein said terminal is substantially a third generation terminal **(read as comparable to) (Fig. 2 and Col. 2, lines 49-55)**.

Consider **Claim 27**, Averbuch et al. teach a process according to claim 26, wherein said at least one instruction to perform **(read as transfer of software update blocks while battery is charging, Col. 4, lines 44-67 and Col. 5, lines 1-67) is** received from a user via a user interface

of said terminal **(read as user interfaces/couples portable to charger to start software upgrade process, Fig. 4, START Block and Block 400).**

Consider **Claim 28**, Averbuch et al. teach a process according to claim 26, wherein said at least one instruction to perform a task is generated internally in **(read as generated as a result of user instruction)** said mobile terminal, triggered by a maintenance or update process stored in the memory of the terminal and carried out by a processing unit of the terminal **(read as flag and priority indicator are set in mobile to allow software upgrade)(Col. 4, lines 54-67, Col. 5, lines 1-67, and Col. 6, lines 1-61).**

Consider **Claim 29**, Averbuch et al. teach a process according to claim 26, wherein information for said identifying whether the task is a delayable task **(read as whether transfer of software update blocks to portable will be preempted, Col. 6, lines 11-41)** is included in said at least one instruction to perform a task **(Col. 6, lines 11-41).**

Consider **Claim 30**, Averbuch et al. teach a process according to claim 26, wherein information for said identifying whether a task is a delayable task **(read as transfer of software update blocks is preempted and thus delayed, Fig. 4, Block 418)** is found from a predetermined list of task urgencies stored in the memory of said terminal **(read as receive upgrade according to set flag and priority indicator)(Col. 5, lines 1-12)**.

Consider **Claim 32**, Averbuch et al. teach a method according to claim 31, comprising: checking in during said precalculated time interval and prior to said executing said delayable task if said terminal is coupled to said charging device **(Fig. 4, Block 400)**, and deciding according to a predetermined set of rules whether to start executing said tasks or not **(read as whether or not flag has been detected)(Fig. 4, Block 402).**

4. **Claims 15-16, and 23-25** are rejected under U.S.C. 102(b) as being unpatentable over Averbuch et al. (US 5689825) in view of Herrod (US 2001/0055978 A1).

Consider **Claim 15**, Averbuch et al. teach a mobile wireless communications terminal capable of wireless speech and data communication over an air interface, said terminal comprising: a process unit for processing tasks (Fig. 2, Block 204) with timed carrying out **(read as microprocessor)(lines 21-32)**; a memory for storing instructions and data associated with each such task **(Fig. 2, Block 206 and also a usage profile data triggered by the falag and priority indicator, Col. 5, lines 1-12);** and an interface for data connection between said terminal and a charging device **(Fig. 2, Blocks 204, 208, and 210)**, except that it does not specifically teach wherein said terminal is configured to transfer at least part of the data to be processed in said instructions from said terminal to said charging device for storage therein, and configured to retrieve said stored data during said task carrying out.

However Herrod et al. teach wherein said terminal is configured to transfer at least part of the data to be processed in said instructions from said terminal to said charging device for storage therein, and configured to retrieve said stored data during said task carrying out (Pg. 4, [0077]-[0086].

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Herrod into Averbuch in order to aid in transfer of data to and from a cradle (Pg. 4, [0077]-[0086])

Consider **Claim 16**, Averbuch et al. teach a mobile wireless communication terminal according to claim 15, except that it does not specifically teach a mobile wireless communication terminal configured to transfer at least part of the data to be processed in said instructions from said terminal to said charging device for processing, and configured to retrieve processed data from said charging device during said timed carrying out of said tasks.

However, Herrod teaches a mobile wireless communication terminal configured to transfer at least part of the data to be processed in said instructions from said terminal to said charging device for processing, and configured to retrieve processed data from said charging device during said timed carrying out of said tasks (Pg. 4, [0077]-[0086].

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Herrod into Averbuch in order to aid in transfer of data to and from a cradle (Pg. 4, [0077]-[0086])

Consider **Claim 23**, Averbuch et al. teach a charging device capable of charging a battery of a mobile wireless communications terminal said charging device comprising:
except that it does not specifically teach comprising a data interface for a two-way connection between said charging device and said terminal when connected for said charging; However,

Herrod teaches comprising a data interface for a two-way connection between said charging device and said terminal when connected for said charging (Fig. 2a and Pg. 4, [0077]-[0086]).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Herrod into Averbuch in order to aid in transfer of data to and from a cradle (Pg. 4, [0077]-[0086])

Averbuch teaches and a memory for storing data **(Fig. 3, Block 306)**, wherein said charging device is configured to store at least part of the data to be processed according to instructions associated with one or more tasks by said terminal **(read as charger stores part of ordered blocks for terminal during preemption, Col. 5, lines 29-67 and Col. 6, lines 1-61)** for carrying out at least in part in said terminal with carrying out of said tasks postponed until connected to said charging device **(read as tasks can be routinely postponed by user since user starts the process by connecting terminal to cradle, Fig. 4, Block 400 and Col. 4, lines 44-53; charger stores remainder of blocks of data destined for storage by terminal after preemption Col. 5, lines 56-67 and Col. 6, lines 1-61)**, except that Averbuch does not specifically teach and configured to return said stored data to said terminal when requested by said terminal.

However, Herrod teaches and configured to return said stored data to said terminal when requested by said terminal **(Pg. 4, [0077]-[0086]).**

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Herrod into Averbuch in order to aid in transfer of data to and from a cradle **(Pg. 4, [0077]-[0086]).**

,Averbuch teaches wherein said postponed tasks are terminal background tasks or tasks involving communication of data over an air interface connecting said terminal to a mobile wireless communication network (Fig. 1, and Col. 2, lines 36-55).

Consider **Claim 24**, Averbuch et al. teach a charging device capable of charging a battery of a mobile wireless communications terminal **(Fig. 3, and Col. 3, lines 54-67 and Col. 4, lines**

1-43), except that it does not specifically teach said charging device including a data interface for a two-way data connection between said charging device and said mobile wireless communication terminal.

However Herrod teaches said charging device including a data interface for a two-way data connection between said charging device and said mobile wireless communication terminal, **Fig. 2a and Pg. 4, [0077]-[0086])**.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Herrod into Averbuch in order to aid in transfer of data to and from a cradle **(Pg. 4, [0077]-[0086]).**

Averbuch teaches said charging device including a memory for storing data, wherein said charging device comprises a processing unit **(Fig. 3, Block 300 and Col. 3, lines 54-67 and Col. 4, lines 1-43)** for sharing task carrying out **(read as controlled by cradle or charger)** between said terminal and said charging device wherein sharing task comprises sharing carrying out of postponed terminal background tasks carried out at least in part in said terminal **(read as preempted transfer of ordered blocks that can resumed without user intervention, Col. 5, lines 40-67 and Col. 6, lines 1-61)**, or sharing carrying out of tasks initiated by a user input to said terminal and carried out at least in part in said terminal, or sharing tasks involving communication of data over an air interface connecting said terminal to mobile wireless communication network, or any combination thereof **(Fig. 1, and Col. 2, lines 36-55)**.

Consider **Claim 25**, Averbuch et al. teach a charging device according to claim 24, further comprising a processing unit for task carrying out on behalf of said terminal **(Fig. 3, Block 300)**.

5. **Claims 17-20** are rejected under U.S.C. 102(b) as being unpatentable over Averbuch et al. (US 5689825) in view Nishiyama (US 5511240).

Consider **Claim 17**, Averbuch et al. teach. a mobile wireless communications terminal capable of wireless speech and data communication over an air interface **Col. 2, lines 37-54)**, said terminal comprising: a processing unit for processing tasks **(Fig. 2, Block 204)** with timed carrying out **(read as microprocessor, Col. 3, lines 21-32)**; and a memory for storing instructions and data associated with each such task **(Fig. 2, Blocks 206, and 208 and also the flag and priority indicator, Col. 6, lines 1-12)**, wherein said processing unit of said terminal is configured to study under a period of time terminal battery charging routines of a user of the terminal**(read as receives information from charger/downloader for timed software downloads, Col. 3, lines 12-53)**, to calculate time intervals with a high likelihood that said terminal is connected to a battery charger **(read as maximum likelihood for connection detection is guaranteed when user initiated connection and flag is detected)(Fig. 4, Blocks 400 and 402)** and to carry out the instructions stored in the memory to perform one or more delayable tasks **(read as delayable transfer of software update blocks due to preemption, Col. 5, lines 1-67 and Col. 6, lines 1-61, Fig. 4, Block 418)** upon entering at least one time interval of said calculated time intervals **(read as time of carrying out based on priority indication, link activity, usage profile, software size, delay caused by preemption, or user delay in placing portable in cradle, Col. 4, lines 44-67, Col. 5, lines 1-55 and Col. 6, lines 1-61)**.

Averbuch does not specifically teach carrying out of instructions. However, Nishiyama teaches teaches a carrying out **(Col. 4, lines 1-7).**

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Nishiyama into Averbuch to ensure communications with other devices **(Col. 4, lines 1-7)** .

Consider **Claim 18**, Averbuch et al. teach a mobile wireless communications terminal according to claim 17, wherein said processing unit is configured to carry out said tasks in said at least one time interval using a connection speed, or communications channel, or both, providing at least a minimum accepted Quality of Service (QoS) at a lowest possible cost **(Col. 5, lines 23-25)**.

Consider **Claim 19**, Averbuch et al. teach a mobile wireless communications terminal according to claim 17, wherein said processing unit is configured to check during carrying out of the instructions if said mobile terminal is coupled to a battery charging device **(Fig. 4, Block 400)**, and to conclude according to a predetermined set of rules whether to start executing any queued task **(read as an ordered blocks, Col. 5, lines 39-67, and Col. 6, lines 1-61** or not **(read as not detecting flag, Fig. 4, Block 402)**.

Consider **Claim 20**, Averbuch et al. teach a mobile wireless communications terminal according to claim 18, configured to communicate with a service provider **(read as software updater)** or network carrier, or both, for enabling the utilization of favorable traffic conditions and transfer costs **(Col. 5, lines 13-27).**

6. **Claim 5 is r**ejected under U.S.C. 102(b) as being unpatentable over Averbuch et al. (US 5689825) in view Desai (US 5991635).

Consider **Claim 5,** Averbuch et al. teach a method according to claim 1, wherein the method further includes transferring at least part of data to be processed in said instructions from said terminal to said charging device for storage and processing **(Col. 2, lines 11-36)**, except that it does not specifically teach and retrieving processed data from said charging device to said terminal during said executing said tasks.

However, Desai teaches and retrieving processed data from said charging device to said terminal during said executing said tasks **(read as storing and retrieving data on a secondary media, Col. 3, lines 19-67 and Col. 4, lines 1-29).**

Therefore, it would have been obvious to one skilled in that art at the time of the invention to incorporate the teaching of Desai into Averbuch in order to aid in the transfer of files (Col. 3, lines 19-67).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon R. Brooks whose telephone number is (571) 270-1115. The examiner can normally be reached on 7:30a.m. to 5p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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May 24, 2007

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